

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DARREN ANDERSON, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO. 1:06-CV-00951-MEF
)	
WAYNE FARMS LLC, etc.,)	
)	
Defendant.)	

**OBJECTION IN PART TO PLAINTIFFS' MOTION
FOR LEAVE TO FILE AMENDED COMPLAINT**

Defendant Wayne Farms LLC objects in part to plaintiffs' Motion for Leave to File Amended Complaint. In support of its objection, Wayne Farms shows the following:

1. On February 22, 2007, plaintiffs moved the Court for leave to amend their complaint, *Doc no. 32*. A copy of plaintiffs' proposed amended complaint was filed with their motion.
2. The proposed amended complaint would (1) restyle the complaint as a collective action, *id.*, ¶ 2 and (2) expand and change the definition of the potential class of "opt-in" plaintiffs, *id.*, *preamble*, and ¶ 26.
3. Wayne Farms does not object to changing the style of the complaint to show that it is filed as a collective action. The text of the original complaint made it clear that plaintiffs intended to pursue a collective action and, without conceding that this case should go forward as a collective action, Wayne Farms does not object to conforming the style of the case to the substance of plaintiffs' allegations. At the appropriate time, Wayne Farms will show why this case should not be treated as a collective action.

4. Wayne Farms does not object to the proposed redefinition of the supposed opt-in class. Plaintiffs are the masters of their complaint and may allege whatever definition of a putative class they want to pursue. At the appropriate time, Wayne Farms will show why the Court should not accept the proposed redefined class definition.

For these reasons, Wayne Farms does not object to the change in the style of this case.

Respectfully submitted this 5th day of March, 2007.

s/Dorman Walker
One of the attorneys for Defendant

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CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party with a copy of the above and foregoing pleading by depositing a copy of same in the United States Mail, first class postage prepaid, and properly addressed to the following:

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This the 5th day of March, 2007.

s/Dorman Walker
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